

MINUTES

Tennessee Board of Examiners for Land Surveyors

The Tennessee Board of Examiners for Land Surveyors met on Thursday, October 28, 2010 and Friday, October 29, 2010 at 9:00 a.m. in the 3rd Floor Conference Room of the Andrew Johnson Tower, 710 James Robertson Parkway, Nashville, TN.

Those present were: Jackie Dillehay, Chairman; Tim Lingerfelt, Vice-Chairman; David Cagle, Board Member; Sue Braly, Public Member; Robert Herndon, Attorney for the Board; and Donna Moulder, Administrative Director for the board. Eman Youseff, Complaint Coordinator for the board, was also present. The meeting was called to order at 9:06 a.m. by Chairman Dillehay.

The agenda was then reviewed. David Cagle made the motion to amend the agenda by adding Ed Dillon, complainant. Sue Braly seconded the motion. The motion carried unopposed.

The minutes of the previous meeting were then reviewed. Mr. Lingerfelt made a motion to accept the minutes as written. Mr. Cagle seconded the motion. The motion carried unopposed.

Robert Herndon, Staff Attorney for the board, then presented the following complaints for review:

Complaint #200902365 – Mr. Herndon presented a written request from the respondent in this matter for an informal conference. David Cagle made a motion to reject the respondent's request for an informal conference and uphold the board's original action in this matter, which was to issue a Consent Order for a Civil Penalty of \$3000.00 for unlicensed practice. Tim Lingerfelt seconded the motion. The motion carried unopposed.

Complaint #201001153 – An informal conference was conducted with the respondent in this matter on October 27, 2010. Tim Lingerfelt, who participated in the informal conference, reported his findings to the full board. Mr. Lingerfelt reported that the only violation of the land surveyor's law that he found was that the respondent failed to notify the adjoiner of the property in question of a potential encroachment. Mr. Lingerfelt recommended that a Letter of Warning regarding communication pursuant to TCA 62-18-124(d) be issued to the respondent and that this complaint be closed. He also recommended that a complaint be opened against the complainant's surveyor for violation(s) of the Standards of Practice based on one of the plats that was submitted with this complaint. David Cagle seconded the motion. The motion carried unopposed.

Complaint #201002186 – David Cagle reviewed this complaint. After further discussion, the board did not vote on a disposition at this time; it determined that more information was needed and requested a certified copy of the final plat in question.

Complaint #201002972 – David Cagle made a motion to **dismiss** due to a lack of disciplinary grounds. Tim Lingerfelt seconded the motion. The motion carried unopposed.

Complaint #201000989 – Tim Lingerfelt made a motion to issue the respondent a Letter of Reprimand, a suspension from the practice of land surveying for six months and a civil penalty of \$5,000.00. David Cagle seconded the motion. The motion carried unopposed.

Complaint #201001715 – David Cagle made a motion to accept the attorney's recommendation and **dismiss** this complaint. Sue Braly seconded the motion. The motion carried unopposed.

Complaint #201002351 – David Cagle made a motion to accept the attorney's recommendation to **close** this complaint with a Letter of Caution about maintaining proper communication with a client. Sue Braly seconded the motion. The motion carried unopposed.

Complaint #201002460 – Tim Lingerfelt made a motion to **dismiss and close** this complaint due to the lack of disciplinary grounds. David Cagle seconded the motion. The motion carried unopposed.

Complaint #201002682 – Tim Lingerfelt made a motion to **dismiss and close** this complaint due to the lack of disciplinary grounds. David Cagle seconded the motion. The motion carried unopposed.

Complaint #201002922 – David Cagle made a motion to **dismiss and close** this complaint due to the lack of disciplinary grounds. Sue Braly seconded the motion. The motion carried unopposed.

The board then reviewed James Russell's application for licensure. Mr. Russell's license expired on 12/31/07 so he had to reapply for licensure in Tennessee. Tim Lingerfelt made a motion that the applicant must submit 30 hours of continuing education and sit for AND pass the two-hour Tennessee portion of the exam. The continuing education must be taken within the last year and must be reported prior to taking the exam. David Cagle seconded the motion. The motion carried unopposed.

The board directed Donna Moulder to adopt a "findings form" for complaints.

The board then discussed the Coast 2 Coast matter. Scott Aaron, of C2C, was present. The board directed Mr. Aaron to get the information in question removed from their website by the next board meeting on February 3, 2011. Tim Lingerfelt made a motion to remove the consent order and close the complaint and flag it. Sue Braly seconded the motion. There being no further discussion, the motion carried unopposed.

Complaint #200902117 – An Informal Conference was held between the respondent and the board member who reviewed this complaint. After meeting with the respondent and reporting his findings back to the full board, and, after discussing the matter further, Sue Braly made a motion to reduce the original civil penalty from \$2500.00 to \$1500.00. David Cagle seconded the motion. The motion carried with one abstention. Tim Lingerfelt recused himself from this matter due to prior knowledge of the events of the complaint and abstained from voting.

Tim Lingerfelt then made a motion that Donna Moulder notify NCEES that we will allow them to release exam scores directly to the applicants. David Cagle seconded the motion. There being no further discussion, the motion carried unopposed.

There being no further business, the meeting was adjourned at 3:45 pm.

FRIDAY, OCTOBER 29, 2010 –

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Those present were: Jackie Dillehay, Chairman; Tim Lingerfelt, Vice-Chairman; David Cagle, Board Member; Sue Braly, Public Member; Robert Herndon, Attorney for the Board; and Donna Moulder, Administrative Director for the board. The meeting was called to order at 9:16 a.m. by Chairman Dillehay.

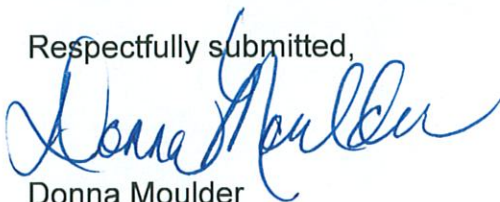
The board discussed the licensure of photogrammetrists and GIS people. It was determined that the members of the board would discuss this matter with the association (TAPS) before proceeding further.

The board then discussed changes to be made to the rules of Professional Conduct.

There being no further business, Sue Braly made a motion to adjourn. David Cagle seconded the motion. The motion carried unopposed.

The meeting was adjourned at 11:30 am.

Respectfully submitted,



Donna Moulder
Administrative Director



Jackie Dillehay, Chairman

David Cagle

Tim Lingerfelt, Vice-Chairman

Sue Braly